

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

☐ BENTON ☒ EAST ST. LOUIS

☐ BENTON ☒ EAST ST. LOUIS ☐ CONTESTED ☐ UNCONTESTED

MINUTES OF DISPOSITION

U.S.A. vs. THOMAS E. LOWERY CRIMINAL NO. 10-CR-30012-001-MJR

DEFT. COUNSEL: Daniel G. Cronin JUDGE: HON. MICHAEL J. REAGAN

GOVT. COUNSEL: Angela Scott DATE: January 6, 2011

REPORTER: Barbara Kniepmann DEPUTY: Debbie DeRousse

TIME: 01:00 - 02:50 PM

X COURT ORDERS PRE-SENTENCE REPORT TO BE SEALED WITH COUNSEL HAVING ACCESS TO SAME IN THE EVENT OF APPEAL. RECOMMENDATION TO BE PLACED UNDER SEPARATE SEAL AND COUNSEL WILL NOT HAVE ACCESS TO SAME.

COURT'S RULINGS ON OBJECTIONS TO PRE-SENTENCE REPORT: _____

TOTAL AMOUNT OF _____ (e.g. cocaine base, marijuana) CONSTITUTING DEFENDANT'S RELEVANT CONDUCT IS _____

OFFENSE LEVEL: 34 CRIMINAL HISTORY CATEGORY: I
SENTENCE RANGE: Cnt 1: 120 months FINE RANGE: \$15,000.00 - \$8,000,000.00
Cnt.2: 151 to 188 months Cnt. 3: 60 months

X COURT ACCEPTS PLEA AGREEMENT _____ COURT REJECTS PLEA AGREEMENT

DEFENSE WITNESSES: _____

GOVERNMENT WITNESSES: _____

Government offers exhibits 1-13, Defendant offers exhibits 1 and 2, exhibits are admitted and released back to counsel. Victim impact statements read aloud in open court.

☐ GOVERNMENT'S 5k1.1 MOTION FOR A DOWNWARD DEPARTURE, **Granted** ☐ **Denied** ☐

DEPARTURE TO OFFENSE LEVEL: _____ CRIMINAL HISTORY CATEGORY: _____
SENTENCING RANGE: _____ FINE RANGE: \$ _____

_____ CUSTODY OF ATTORNEY GENERAL X CUSTODY OF BUREAU OF PRISONS

SENTENCE: 151 Months, this term consists of 120 months in Count 1, 151 months on Count 2, and 60 months on Count 3, to run concurrently.

X UPON RELEASE FROM IMPRISONMENT, DEFENDANT ON SUPERVISED RELEASE Life.
This term consists of a term of Life on Counts 1 and 2 and a term of 3 years on Count 3, to run concurrently.

USA vs THOMAS E. LOWERY

DATE: January 6, 2011

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CONDITIONS OF SUPERVISION/PROBATION:

☒ WITHIN 72 HOURS OF RELEASE FROM BOP, DEFENDANT TO REPORT TO PROBATION IN DISTRICT RELEASED.

☒ DEFENDANT SHALL NOT COMMIT ANY FURTHER CRIMES.

☒ DEFENDANT SHALL NOT POSSESS FIREARM OR OTHER DESTRUCTIVE DEVICE.

☒ DEFENDANT SHALL NOT ILLEGALLY POSSESS ANY CONTROLLED SUBSTANCES.

☐ DEFENDANT TO PARTICIPATE IN SUBSTANCE ABUSE PROGRAM APPROVED BY PROBATION.

☒ Payments are due immediately, through the Clerk of the Court. If the defendant is unable to pay immediately, the defendant shall pay any financial penalty imposed by this judgment and that remains unpaid at the commencement of the term of supervised release in equal monthly installments of \$25 or ten percent of his net monthly income, whichever is greater, over a period of 24 months, to commence 30 days , after release from imprisonment to a term of supervision

☒ DEFENDANT FINED \$100 On Count 1, 2 and 3
for a TOTAL FINE of \$ 300.00 DUE IMMEDIATELY.

☒ INTEREST WAIVED ☐ INTEREST IMPOSED

☐ FINE TO BE PAID FROM PRISON EARNINGS, OR WHILE DEFENDANT IS ON SUPERVISED RELEASE.

☒ SPECIAL ASSESSMENT OF \$ 100.00 On (each of) Count(s) 1,2 & 3 TOTAL \$ 300.00
DUE IMMEDIATELY.

☐ RESTITUTION IS ORDERED IN THE AMOUNT OF \$ _____

☒ COURT FINDS DEFENDANT'S FINANCIAL CONDITION IS SUCH THAT [S]HE IS UNABLE TO:

☐ PAY RESTITUTION, ☐ PAY A FINE, ☒ PAY COSTS OF INCARCERATION OR SUPERVISION,
AND THEY ARE WAIVED.

☒ DEFENDANT ADVISED OF RIGHT TO APPEAL.

☐ RECOMMENDATION: _____

☐ BOND: ☐ REVOKED ☒ REMANDED ☐ CONTINUED UNDER PREVIOUS CONDITIONS

☐ DEFENDANT TO VOLUNTARILY SURRENDER AS NOTIFIED BY USM TO DESIGNATED INSTITUTION; OR ☐ SURRENDER TO USM ON _____

☐ COUNT(S) _____ ARE DISMISSED ON MOTIONS OF GOVERNMENT.

☒ Order of forfeiture is entered.